



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

1011 E Tudor Road MS: IRTM  
Anchorage, AK 99503



IN REPLY REFER TO:  
FWS-2019-00545

October 31, 2019

Mr. Brad Hennessy  
Western Values Project  
407C East 13<sup>th</sup> Street, Suite 568  
Whitefish, Montana 59937

Dear Mr. Hennessy:

This is a partial response to your Freedom of Information Act (FOIA) request concerning the Arctic National Wildlife Refuge, dated September 28, 2018, in which your associate Mr. Chris Saeger requested the following:

*All officials in the office of the Alaska Regional Director, including [RD] Greg Siekaniec  
Natural Resource Specialist Hollis Twitchell*

*Keywords: "Arctic National Wildlife Refuge", "ANWR". "Environmental Management  
and Planning Solutions", "EMPSI", "Area 1002", "Section 1002", "ANWR-1002",  
"AMWR 1002".*

### Response

In response to your request we are providing you with records processed in response to two FOIA requests we are currently processing for the Defenders of Wildlife (DOW) as part of ongoing FOIA litigation. We have enclosed three Adobe Acrobat Portable Document Format (PDF), totaling 756 pages. We have applied redactions to three pages pursuant to Exemption 6 as described below and noted within the PDF. The redacted and full release material is provided to you on the enclosed compact disc.

### Exemptions

**Exemption 5:** Please note, some of the documents we are releasing (e.g. administrative drafts) technically meet the requirements to be withheld under the deliberative process privilege of FOIA Exemption 5 (5 U.S.C. §552(b)(5)). After consulting with our legal counsel, and carefully considering the parties involved, we believe there is no harm in releasing this information and no other exemptions apply, i.e. there are no institutional, commercial, and/or personal privacy interests at risk with the release of these documents. Therefore, we are exercising administrative discretion and releasing the documents to you in full. Please note, the Service does not waive its

ability to invoke applicable FOIA exemptions for any arguably similar, but different information in future requests.

**Exemption 6:** We have redacted a personal email addresses from three pages pursuant to Exemption 6. Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6).

The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

We have determined that the individual to whom this information pertains has a substantial privacy interest. Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information and we have determined that the disclosure of this information would shed little or no light on the performance of the agency’s statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals and we are withholding it under Exemption 6.

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA’s general rule of disclosure. This response to your request was prepared in consultation Attorney-Advisor Larry Mellinger.

## Conclusion

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

We will continue to provide you with rolling responses as they are produced. If you have any questions please contact me at 575-425-0033 or via email at fw7\_foia@fws.gov

Sincerely,

Government Information Specialist (FOIA)  
U.S. Fish and Wildlife Service

Enclosure (CD)

cc: L. Bernhardi Attorney-Advisor, Office of the Solicitor  
L. Mellinger, Attorney-Advisor, Office of the Solicitor  
FWS FOIA Coordinator, Region 7, Alaska